

**Amendment and Response**

Applicant: N. Lee Rhodes

Serial No.: 09/919,148

Filed: July 31, 2001

Docket No.: 10013110-1

Title: NETWORK USAGE ANALYSIS SYSTEM AND METHOD FOR DETERMINING EXCESS USAGE

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**REMARKS**

This Amendment is responsive to the Office Action mailed February 5, 2004. Claims 23-31 have been allowed. Claims 1-22 were rejected. Claims 6, 8, 14, 19-22, and 27-30 have been objected to. With this Response, claims 1, 5, 6, 8, 9, 14, 18-22, and 27-30 have been amended. Claims 1-31 remain pending in the application and are presented for reconsideration and allowance.

**Claim Objections**

Claims 6, 8, 14, 19-22 and 28-30 are objected to because of informalities. These claims have been amended as suggested by the Examiner. Applicant respectfully submits that claims 6, 8, 14, 19-22, and 28-30 are now allowable. Therefore, applicant respectfully requests withdrawal of these objections. Applicant has also amended claims 5, 18 and 27 to correct additional informal errors.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1, 9, and 22, and the claims depending therefrom, have been amended to claim computer-implemented methods. Applicant respectfully submits that claims 1, 9, 22 and the claims depending therefrom are now directed to statutory subject matter and are allowable. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 101 rejection.

**Allowed Claims**

Claims 23-31 were indicated as allowed.

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**CONCLUSION**

In light of the above, Applicant believes independent claims 1, 9, 22, 23, and 31 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to either William J. Streeter at Telephone No. (970) 898-3886, Facsimile No. (970) 898-7247 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

N. Lee Rhodes,

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Date: March 9, 2004  
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9 day of March, 2004.

By Steven E. Dicke  
Name: Steven E. Dicke